

CUSTOMER NO.: 24498
Ser. No. 09/830,900

PATENT
RCA 89,269

Remarks/Arguments

Claims 1-34 are pending. Claims 12-31 have been allowed. Claims 1, 5, 8, 9, 10 and 11 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the amendment.

Rejection of claims 1-11 under 35 USC 101

The Office Action asserts that the claims do not recite any means or circuit in the body of claims with which the stored control information interact to accomplish the recited filtering. In response, claims 1, 5, and 8-11 have been amended to recite a reader device that interacts with stored control information. Applicants submit that the rejection is overcome in view of the amendment.

Rejection of claims 32 and 34 under 35 USC 103(a) as being unpatentable over Na et al (US Pat No 6366731) in view of Hiroshima et al (US Pat No 5801781)

Applicants submit that for the reasons discussed below present claims 32 and 34 are patentably distinguishable over the cited combination of references.

At the outset, applicants note that the citation of Na as the basis of the rejection appears to be an error. Na does not disclose a storage element 31, nor a Fig. 6B, and the cited description of Na in the Office Action does not correspond to the description in Na. Rather, it appears that Miyasaka, which was cited and applied in a previous Office Action, in combination with Hiroshima is the basis for the rejection. Thus, the comments below assume that the rejection was based on Miyasaka and Hiroshima.

Present claim 32 is directed to a method of processing a bit stream that includes data packs having a payload portion that includes a plurality of transport packets, and each data pack includes an application header portion that enables transport packets in the data packs to be determined. In this regard, pending claim 32 recites:

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receiving a digital bit stream comprising a plurality of data packs, each data pack formatted in accordance with a first digital standard and comprised of a control data portion and a payload data portion, **each of the payload data portions including a plurality of transport packets;**

extracting the plurality of transport packets from the digital bit stream and transmitting an output signal formatted in accordance with the digital television standard with the plurality of transport packets, wherein,

each payload data portion further includes an application header portion having control information, and

determining transport packets that comprise the plurality of transport packets in the payload data portion in response to the application header portion. (emphasis added)

Applicants submit that the combination of Miyasaka and Hiroshima fail to teach or suggest at least the above-emphasized limitations of pending claim 32.

Miyasaka teaches a system that reads only those packets that include I picture data from a data storage unit. This is done by providing a packet assembling unit 204 that writes information, to **each transport packet**, which represents that a relevant packet contains at least a part of I picture data (col. 5, lines 1-7). These transport packets are stored in data storing unit 30. Subsequently, when a user requests only those transport packets that include I picture data, I picture extracting unit 32 extracts only transport packets that contain the I picture index information from the transport packets stored on the storage medium (col. 5, lines 24-27). It does not appear that the transport packets are encapsulated in any other packs, which includes the recited application header portion, before they are stored on the data storing unit 32.

Thus, Miyasaka fails to teach or suggest "... a digital bit stream comprising a plurality of data packs, each data pack formatted in accordance with a first digital standard and comprised of a control data portion and a payload data portion, each of the **payload data portions including a plurality of transport packets... each payload data portion further includes an application header portion having control information, and determining transport packets that comprise the plurality of transport packets in the payload data portion in response to the application header portion**" as recited in claim 32.

The teachings of Hiroshima fail to cure the deficiencies of Miyasaka as applied to claim 32. Hiroshima teaches a system that converts an MPEG-1 system stream to an MPEG-2 transport stream. In that regard, Hiroshima also fails to

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teach or suggest a data pack having a payload portion that includes a plurality of transport packets, and an application header portion, wherein the transport packets are determined in response to the application header portion. Rather, Hiroshima shows the well-known bitstream formats including the MPEG-1 system stream, the elementary stream (ES), the packetized elementary stream (PES), and MPEG-2 transport stream.

Figure 5 shows the bitstream formats during the conversion process, wherein the MPEG 1 System stream includes a plurality of data packs that is separated by the demultiplexer. Each of the data packs comprises a packet header and a plurality of packets (col. 8, lines 8-24). From the elementary stream a bitstream comprising PES packets is generated, and from the PES packets a plurality of transport packets is generated by multiplexer 34 (col. 10, lines 45-48). Figure 7 shows the format of a PES packet.

Thus, it is clear that Hiroshima fails to teach or suggest "... a digital bit stream comprising a plurality of data packs ... **each of the payload data portions including a plurality of transport packets...** each payload data portion further includes an **application header portion** having control information, and determining transport packets that comprise the plurality of transport packets in the payload data portion **in response to the application header portion**" as recited in claim 32.

In view of the above, applicants submit that even if Miyasaka and Hiroshima are combined as suggested, the suggested combination still fails to teach or suggest each and every limitation of present claim 32, and thus, claim 32, and claim 34, which depends therefrom, are patentably distinguishable over these references.

Furthermore, applicants submit that nowhere do Miyasaka and Hiroshima teach or suggest the proposed combination. Miyasaka and Hiroshima are directed to entirely different problems. That is, Miyasaka addresses an arrangement for reading only packets that include I picture data from a storage device, and Hiroshima addresses an arrangement for converting a data in the form of a MPEG-1 system stream to a MPEG-2 transport stream. Nowhere does either reference mention or suggest why it would be desirable to combine the references in the

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manner suggested by the Office Action. Therefore, applicants submit that the proposed combination constitutes use of impermissible hindsight reconstruction.

In view of the above, applicants submit that present claims 32 and 34 are patentably distinguishable over the cited references.

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Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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